

PROCEEDINGS OF THE  
WASHINGTON STATE BOUNDARY REVIEW BOARD  
FOR KING COUNTY  
RESOLUTION AND HEARING DECISION

| IN RE:        **A NEW CITY OF FAIRWOOD**  
                 **Proposed Incorporation**  
                 **King County, Washington**

FILE NO. 2194 |

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**I. PUBLIC HEARING OVERVIEW**

In November of 2004, the Fairwood Community Task Force, the proponent, filed a Notice of Intention with the Boundary Review Board to incorporate a new City of Fairwood (File No. 2194). The Fairwood Task Force proposes to incorporate 4500 acres of land generally located in southeast King County. As required by RCW 35.02, the application for incorporation was based upon a petition signed by more than 2600 citizens, representing at least 10% of the registered voters within the boundaries of the proposed new City.

As required under RCW 35.02, RCW 36.93, et seq., the Boundary Review Board conducted a public hearing to consider the proposed incorporation of a new City of Fairwood. The public hearing took place March 27, 2006; March 29, 2006; and March 30, 2006. At the conclusion of the public hearing of March 30, the Board closed the public testimony and held open the record until April 7 to permit interested parties to submit additional documents.

On May 8, 2006, the Board held a Special Meeting and closed the record for File No. 2194. The Board then proceeded to deliberate and came to a preliminary decision/recommendation in the matter of File No. 2194.

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The Board is responsible, under State of Washington law, to: (1) examine the record (e.g., application materials; technical studies; fiscal studies; regulatory analyses; other documents, exhibits, statements and testimony); (2) determine the specific policies and guidelines are applicable to the proposed action; (3) review and weigh these elements; and (4) take the action that best advances those elements.

As prescribed by the state law, the Board reviewed File No. 2194 in accord with RCW 35.02 (Incorporation of Cities); The Board reviewed the record as prescribed by RCW 36.93. (Local Governments – Boundaries – Review Boards). The Board directed particular attention to RCW 36.93.170 (Factors) and RCW 36.93.180 (Objectives). The Board also considered RCW 36.93.150, the authority for modification of a proposed incorporation.

Additional authorities applicable to **File No. 2194** include, but are not limited to: RCW 36.70A (State Growth Management Act); RCW 35.02 (Incorporation of Cities), King County Comprehensive Plan/Countywide Policies, the City of Renton Comprehensive Plan, as well as other applicable state, regional, and local regulations and guidelines.

On the basis of the testimony, evidence and exhibits presented at said hearing, and the record in said **File No. 2194** it is the ***decision of the Board to modify the proposed boundaries as described herein and to recommend denial of the proposed incorporation:***

- Delete Renton Park Version 1 from the boundaries of the proposed new City; and
- Delete the Maplewood Addition Area (Expansion - Option 2) from the boundaries of the proposed new City; and
- Add the Renton Christian Center property and Pierotti properties into the boundaries of the proposed new City; and
- Add the entirety of those portions of 128<sup>th</sup> Avenue SE that are immediately adjacent to the incorporation areas into the boundaries of the proposed new City of Fairwood.

The legal description for the proposed new City of Fairwood, with modifications, is attached hereto and marked as "Exhibit I", together with a map showing the boundaries of the area herein marked as "Exhibit II."

## **II. FINDINGS**

### **RCW 36.93.170 FACTORS AFFECTING THIS PROPOSAL**

The Boundary Review Board finds the following Factors (RCW 36.93.170) to be applicable to the proposal for incorporation of a new City of Fairwood. The key issues related to each applicable element are as follows:

#### **RCW 36.93.170 (1) POPULATION AND TERRITORY**

The Board considered the following factors to be applicable: Population Density; Proximity to Other Populated Areas; Land Area/Land Uses; Comprehensive Land Use Plans; Topography, Natural Boundaries and Drainage Basins; Likelihood of Significant Growth in the Area During the Next Ten Years; and Population Density/Proximity to Other Populated Areas.

The entire proposed new City of Fairwood lies within the Urban Growth Area defined by King County. The King County Comprehensive Plan anticipates transfer of the Fairwood community to a local jurisdiction. County Comprehensive Plan/Countywide Policies call for contiguous orderly growth of local jurisdictions (e.g., U-304, U-208, U-301, U-304.). Policies also establish cities as the appropriate providers of local governance and urban services (e.g., FW-13, CO-1, CO-3; LU-31 - LU-34, LU-36). Policy LU-32 calls upon cities to place lands within annexation areas into city boundaries. Similarly, the Plan supports cities as basic governing units and service providers (e.g., FW-13, LU-31).

The Fairwood community is essentially unified with respect to its land area and its built community. The area is nearly fully developed and little opportunity exists for substantial new development in the proposed new city.

The proposed new City of Fairwood includes natural features such as water bodies, vegetated open space, and sensitive sloped terrain. Similarly, the proposed incorporation area and the surrounding community -- i.e., Renton Potential Annexation Area -- are linked, in part, by several elements of the natural environment (e.g., topography, vegetation).

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The proposed new City of Fairwood is, however, planned to include Renton Park (Version 1) -- a neighborhood that is more closely linked to the City of Renton. Access to Renton Park is limited to roadways that tie directly to Renton. Residents of this area utilize City of Renton services and amenities.

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The proposed boundaries of the new City of Fairwood include the Maplewood Addition Area (665 acres). A majority of residents of a portion of the Maplewood Addition Area (60.5 acres) have applied for annexation to the City of Renton. The City of Renton filed a Notice of Intention for this portion of the Maplewood Addition Area with the Boundary Review Board (File No. 2197) for simultaneous review with File No. 2194.

In conjunction with the Maplewood Addition Area Notice of Intention, the City of Renton invoked jurisdiction to request that the Boundary Review Board expand the boundaries of the Maplewood Addition Area Annexation to include up to 665 acres of adjacent lands. City of Renton officials based this request upon a reported closer connection of the built community and the natural environment to the City of Renton.

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If incorporated, the City of Fairwood shall be required by the State Growth Management Act to develop and implement a comprehensive plan and regulatory controls to administer existing and

future land uses. The City shall also be required to develop and implement a comprehensive plan and regulatory controls for provision of public services and essential public facilities. Further, the City shall be required to develop and implement regulatory controls to protect critical areas.

The Board finds that the record for File No. 2194 confirms that, in the absence of significant new development, a new city would very likely continually struggle to acquire the funding necessary to support basic required and/or expected land use planning, housing, public services, public facilities, public amenities, for community members. Similarly, funding limitations would hinder protection of the natural environment.

The Board finds that the proposed incorporation is unlikely to achieve the requirements for a viable, vibrant government either at its inception or as it would be expected to grow in the future. Further, the constraints on local planning and controls within the City of Fairwood would likely result in deleterious effects to the surrounding built community and the natural environment.

#### **RCW 36.93.170 (2) MUNICIPAL SERVICES**

The Board considered the following factors to be applicable: need for municipal services; effects of ordinances, governmental codes, regulations and resolutions on existing uses; present cost and adequacy of governmental services and controls in area; probable future need for such services; costs; effect on the finance, debt structure and contractual obligations; and prospects of government services from other sources, and rights of other affected governmental units. Following is a brief review of key issues related to these factors.

The new City of Fairwood will require municipal services and facilities. Service policies are established by the State Growth Management Act and the King County Comprehensive Plan. For example, the State Growth Management Act requires local jurisdictions to plan and provide a full array of public services and facilities to its citizens. King County FW-13 states that cities are the appropriate provider of local urban services to Urban Areas. FW-29 and FW-30 address the need for jurisdictions to plan for and coordinate services. Additionally, King County/Countywide Policy CO-1 calls for a jurisdiction to plan for “(a) full range of urban services”.

A Fiscal Feasibility Analysis was conducted for the proposed new City of Fairwood. Study findings indicate that the City would have limited fiscal resources to support local governance. Upon incorporation, the City of Fairwood would assume responsibility for providing – either directly or by contract – basic public services and facilities including: water service, surface water management, sewer service, fire service, police service, emergency medical services, utilities, road maintenance, law and justice services, human services, libraries, and parks and recreation services.

The Board finds that the limited availability of fiscal resources would likely hamper the capacity of the new City to plan for and reliably deliver at reasonable customer rates those basic public services that are required by the State Growth Management Act, King County Comprehensive Plan, and RCW 36.93.

The Board finds that, with limited resources, service will likely be less effective, less efficient, and more costly to both the government and the citizens. In such circumstances there will likely be challenges to the City's ability to protect public health, safety, and welfare.

#### **RCW 36.93.170 (3) EFFECTS OF PROPOSAL**

The Board considered the following factors to be applicable: mutual economic and social interests, and local government structure. Below is a brief review of key issues.

The Board finds that the record for File No. 2194 fails to support incorporation of a new City of Fairwood. The proposed new City of Fairwood would divide a greater community which shares mutual social interests and economic interests.

The Board finds that the record for File No. 2194 reports that the City of Fairwood would have limited resources available to provide the government structure that is necessary to support the social

interests and economic interests of the community. The record clearly confirms that the community is close to build-out in housing development and commercial development, yet income derived from new development is reported to be the basis for much of the projected revenue for the City of Fairwood.

The Board finds that marginal resources would hinder the ability of the leaders and citizens to undertake land use planning, service planning, fiscal planning and planning for public amenities to serve the community. Thus, a new City of Fairwood would likely encounter challenges providing for coordinated integration of citizens into the new community, would likely encounter challenges supporting social organization, would likely encounter challenges supporting economic health, and would likely encounter challenges with respect to protection of public safety and welfare. The Board does not anticipate that a new City of Fairwood could successfully promote strong and unified local government.

The Board finds, further, that the proposed new City of Fairwood lies within the City of Renton's Potential Annexation Area (as prescribed in the City of Renton Comprehensive Plan). City officials testified that Renton is prepared to govern and to provide full services to this community. On that basis, annexation of the Fairwood Area to the City of Renton would likely provide for more balanced governance than the incremental incorporation proposed by the City of Fairwood.

#### **CONSISTENCY WITH THE GROWTH MANAGEMENT ACT**

Boundary Review Board decisions must be consistent with the following sections of the State Growth Management Act (Chapter 36.70A RCW):

- RCW 36.70A.020 Planning Goals
- RCW 36.70A.110 Urban Growth Areas
- RCW 36.70A.210 Countywide Planning Policies

The key Growth Management policies that are relevant to the proposed incorporation include:

- RCW 36.70A.020 (1) Urban Growth: Encourages development in urban areas where adequate public facilities and services exist or can be provided efficiently.
- RCW 36.70A.020 (2) Reduce Sprawl: Reduce inappropriate conversion of undeveloped land into sprawling low-density development.
- RCW 36.70A.020 (10) Environment: Protect and enhance the environment and quality of life.
- RCW 36.70A.020 (11) Citizen Participation and coordination in the planning process and ensure coordination between communities/jurisdictions to reconcile conflicts.
- RCW 36.70A.020 (12) Public Facilities and services: Ensures that adequate public services and facilities are available to serve land developments.
- RCW 36.70A.110 (1/6) calls for each county to designate an urban growth area.
- RCW 36.70A.110 (3) directs urban growth to areas with existing or available public services and facilities.
- RCW 36.70A.110 (4) states that "(in) general, cities are the units of local government most appropriate to provide urban ...services."
- RCW 36.70A.210 (1) calls for cities to be primary providers of governmental services in urban growth areas.

The State Growth Management Act supports local jurisdictions as the governing units for urban areas where local jurisdictions can provide citizens with reliable, stable governance and services.

The Board finds that a new City of Fairwood would be incorporated with a minimal funding base. Obligating existing residents to provide new sources of income and/or reliance upon future income from uncertain sources creates uncertainty for the health of the community. In the absence of significant new development, a new city would likely struggle to acquire the funding necessary to support basic required and/or expected land use planning, housing, public services, public facilities, and public amenities.

The Growth Management Act clearly supports annexation to existing viable cities over the creation of a new city that is unlikely to be able to govern and serve a community. Further, the King County Comprehensive Plan/Countywide Planning Policies and the King County Annexation Initiative clearly support annexation rather than incorporation where there is a viable local government prepared to govern and serve a community. These plans and policies are clearly aimed at annexing urban unincorporated areas to existing cities.

The City of Renton has included the Fairwood Area in its Comprehensive Plan (Potential Annexation Area). Renton officials have demonstrated the availability of resources necessary to govern and serve the Fairwood community.

The Board finds that the record for File No. 2194 demonstrates that incorporation of a new City of Fairwood would be inconsistent with Growth Management Act criteria for incorporation of urban areas.

### **RCW 36.93.180 OBJECTIVES**

The Boundary Review Board has considered RCW 36.93.180 (Objectives), as follows:

#### **RCW 36.93.180 (1) PRESERVATION OF NATURAL NEIGHBORHOODS AND COMMUNITIES**

The proposed new City of Fairwood forms a portion – but not the entirety of – a natural neighborhood and community.

Case law defines a neighborhood as “either a geographically distinct area or a socially... distinct group of residents”. The Fairwood community exhibits many features that support its connection with surrounding unincorporated areas all within the greater City of Renton Potential Annexation Area. The proposed City of Fairwood, adjacent unincorporated lands, and territory within the existing City of Renton are, in great measure, linked by land uses. Demographic profiles are similar. Residents of the greater community generally use common community facilities – schools, roadways, libraries, shopping centers, parks, and recreation facilities.

The proposed boundaries of the new City of Fairwood is, however, planned to include Renton Park (Version 1) – a neighborhood that is more closely linked to the City of Renton. Renton Park is accessed only through roadways which link directly to Renton. Residents of this area utilize City of Renton services and amenities. The citizens of Renton Park have asked that this area be removed from the proposed incorporation boundaries. The Board supports removal of Renton Park (Version 1) from the proposed new City of Fairwood as an action that is consistent with the provisions of RCW 36.93.180 (1).

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The Fairwood community also exhibits a natural environment that is linked, in part, by several elements (e.g., flora, fauna, some topographic features, and some drainage features) to surrounding unincorporated areas all of which lie within the greater City of Renton Potential Annexation Area.

However, the Maplewood Addition Area – located in the northwestern portion of the planned incorporation area – contains unique environmental characteristics that separate this community from the remaining proposed City of Fairwood and connect this community to the City of Renton. Specifically, the Maplewood Addition Area includes territory (Option 2 – 346 acres) which is located on a valley floor bordered by a steep ridge. The ridge separates the proposed City of Fairwood from the Maplewood Addition Area. The ridge is defined as a geologic hazard/landslide area (Federal Emergency Management Agency).

The Maplewood Addition Area (Option 2) is located in a floodplain related to the adjacent Cedar River. The Maplewood Addition Area (Option 2) is underlain by a sole source aquifer that serves the City of Renton.

The City of Renton has filed a Notice of Intention (File No. 2197) based upon the petition from a majority of residents of a section of the Maplewood Addition Area (60.5 acres) who have applied for

annexation to the City of Renton. The City of Renton submitted to the Boundary Review Board a Notice of Intention for this portion of the Maplewood Addition Area (File No. 2197) to permit simultaneous review with the proposed incorporation of a new City of Fairwood (File No. 2194).

Renton invoked jurisdiction to request that the Boundary Review Board expand the boundaries of the Maplewood Addition Area Annexation. This request was based upon the connection of the natural environment of the Maplewood Addition Area to – and potential impacts upon – the City of Renton.

The Board finds that a substantial portion of the Maplewood Addition Area (Option 2 at 346 acres) is significantly linked to the City of Renton – and substantially divided from the proposed new City of Fairwood – by elements of the natural environment. The Board supported a preliminary decision to annex this area to the City of Renton. Therefore, in conjunction with this simultaneous evaluation of File No. 2194, the Board supports removal of the Maplewood Addition (Option 2) from the proposed new City of Fairwood to permit annexation of that community to the City of Renton as an action that is consistent with the provisions of RCW 36.93.180 (1).

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Incorporation of a new City of Fairwood (including modifications to exclude Renton Park – Version 1 and Maplewood Addition – Option 2) is inconsistent with Objective 1. Incorporation would fragment rather than preserve connections within the greater neighborhood. A new City, with proposed boundaries, would limit the access of many property owners/residents to a voice and a vote in planning for the cohesive governance of a unified neighborhood and a greater community.

**RCW 36.93.180 (2) USE OF PHYSICAL BOUNDARIES, INCLUDING BUT NOT LIMITED TO BODIES OF WATER, HIGHWAYS, AND LAND CONTOURS**

A part of the proposed new City of Fairwood includes an area that is based upon physical boundaries that distinguish this community from adjacent territories. However, the proposed new City is also linked by many physical features to the greater unincorporated area and to the nearby City of Renton.

Incorporation of the proposed new City of Fairwood is inconsistent with Objective 2 because this action does not further progress toward coordinated transfer of unincorporated areas into local jurisdictions. Dissection of the area reduces the effectiveness of the government and interferes with efficient services to the local community. This action does not provide for a community unified under established physical boundaries.

**RCW 36.93.180 (3) CREATION AND PRESERVATION OF LOGICAL SERVICE AREAS**

Incorporation of a new City of Fairwood will not result in the creation and/or preservation of logical service areas.

RCW 36.93, RCW 36.70A, *et seq.*, and the King County Comprehensive Plan establish cities as the providers of services for incorporated communities. More specifically, a new City of Fairwood would have responsibility for providing public services to all of its citizens under city plans and regulations including, but not limited to: a Comprehensive Land Use Plan, a Comprehensive Sewer and Water Plans, Transportation Element of the Comprehensive Plan, Comprehensive Storm Water Management Plan.

A new City of Fairwood would very likely be funded at a marginal level at incorporation and would likely need additional future funding to support basic required and/or improved, public services, public facilities, and public amenities for community members. Obligating existing residents to provide new sources of income and/or reliance upon future income from uncertain sources creates uncertainty for the health of the community.

Marginal resources would not permit a new City of Fairwood to plan and implement coordinated, efficient service programs to address the needs of the built community and protect the natural community. Marginal resources would likely necessitate a more limited, incremental annexation plan

that will further complicate an already complex service system. It is noteworthy that King County (e.g., King County Fire Protection Districts King County Water District No. 90), various regional districts (e.g., Soos Creek Water & Sewer District; Cedar River Water & Sewer District), and the City of Renton have been addressing this community's need for municipal services.

Criteria established by the State of Washington and by King County, as well as criteria prescribed for the Boundary Review Board (Objective 3) do not support the creation of government units that possess insufficient (or marginal) resources to govern and serve the citizens.

#### **RCW 36.93.180 (4) PREVENTION OF ABNORMALLY IRREGULAR BOUNDARIES**

The proposed, boundaries for a new City of Fairwood would create a more discontinuous than regular boundary. The Fairwood community exhibits many features that support its link with surrounding unincorporated areas all within the greater City of Renton Potential Annexation Area. The proposed City of Fairwood, adjacent unincorporated lands, and territory within the existing City of Renton have a commonality of similar land uses and common public facilities (e.g., roadways).

Proposed boundaries for a new City of Fairwood would not promote coordinated, effective governance. Further, the limited funding base available to a new City of Fairwood does not ensure that the City will have the resources necessary to independently provide – directly or by contract – the services necessary to maintain a viable, safe community.

The Board finds that the proposed incorporation does not provide boundaries that are consistent with Objective 4.

#### **RCW 36.93.180 (5) DISCOURAGEMENT OF MULTIPLE INCORPORATIONS**

Incorporation of the City of Fairwood is inconsistent in part with Objective 5, which discourages multiple incorporations. While the new city could be supported in terms of population numbers, the creation of a city which is disconnected from a greater associated community may lead to a plethora of problems for administration of the jurisdiction. Further, the limited fiscal base of the new City of Fairwood will likely result in a continuing struggle to acquire funding to support basic required and/or expected land use planning, housing, public services, public facilities, and public amenities for community members. These challenges would likely hinder the ability of a new City of Fairwood to govern and serve and so lead to requirements for future boundary changes.

The creation of a new City which is not sufficiently endowed to support the services necessary to provide for public health and welfare is inconsistent with the intent of the State Growth Management Act and the King County Comprehensive Plan.

#### **RCW 36.93.180 (6) DISSOLUTION OF INACTIVE SPECIAL PURPOSE DISTRICTS**

RCW 36.93.180 (6) is not applicable to File No. 2194

#### **RCW 36.93.180 (7) ADJUSTMENT OF IMPRACTICAL BOUNDARIES**

The Board finds that the proposed Fairwood Incorporation does not result in the adjustment of an impractical boundary. Rather, incorporation of this limited area may fragment the identity of the greater community. Further, the proposed incorporation may complicate the effective provision of public facilities and public services as the limited fiscal base available to the new City of Fairwood will likely necessitate a continuing struggle to fund public services, public facilities, and public amenities for community members. These challenges may hinder the ability of a new City of Fairwood to govern and serve and so lead to requirements for future boundary changes.

The proposed incorporation does not provide boundaries that are consistent with Objective 7.

#### **RCW 36.93.180 (8) INCORPORATION AS CITIES OR ANNEXATION TO CITIES OF UNINCORPORATED AREAS WHICH ARE URBAN IN CHARACTER**

Fairwood is located within the Urban Growth Area as established by the King County Comprehensive Plan.

Incorporation of the City of Fairwood would, however, be inconsistent in part with Objective 8. Creation of a new city with a substantially constrained funding base will likely limit the viability of a new City.

The Fairwood community is included within the City of Renton's Potential Annexation Area. The City has the resources to govern and serve this community.

Fragmentation of the area resulting from an incorporation – rather than annexation -- will have an adverse economic effect upon the citizens of Fairwood, the citizens of the remaining Renton Potential Annexation Area, and citizens of the greater community.

Creation of a new City which has only marginal resources available to provide basic services necessary to support public health and welfare would not meet the intent of the State Growth Management Act or the King County Comprehensive Plan.

Therefore, the Board finds that the proposed incorporation is inconsistent with Objective 8.

#### **RCW 36.93.180 (9) PROTECTION OF AGRICULTURAL AND RURAL LANDS FOR LONG TERM PRODUCTIVE AGRICULTURAL/RESOURCE USE**

The proposed new City of Fairwood does not include or concern any agricultural lands. This entire proposed new City of Fairwood is within the Urban Growth Area as established by King County and approved by the State of Washington.

### **III. BOUNDARY REVIEW BOARD FINDINGS AND DECISIONS**

The Boundary Review Board conducted review and deliberation of File No. 2194 based upon the record of written documents and oral testimony, in keeping with applicable state, regional and local regulations. The Board focused upon RCW 36.93 (Boundary Review Board Enabling Act); RCW 36.70A (Growth Management Act); RCW 35.02 (Incorporation of Cities); King County Comprehensive Plan/Countywide Policies; City of Renton Comprehensive Plans, and other relevant regulations and guidelines. The role of the Boundary Review is to implement these existing laws; the Board does not have the authority to make law or policy.

As prescribed by statutory mandate, the Boundary Review Board considered the following options:

- The Board may make a **decision** to recommend approval of incorporation of a new City of Fairwood as proposed by the Fairwood Task Force if this action achieves the provisions of RCW 36.93 and other applicable regulations (e.g., RCW 35.02 – Incorporation of Cities; RCW 36.70A State Growth Management Act, the King County Comprehensive Plan, and other state, regional, and local statutory guidelines).
- The Board may make a **decision** to recommend approval of an incorporation of a new City of Fairwood with modifications to corporate boundaries if this action achieves the provisions of RCW 36.93 and other applicable regulations (e.g., RCW 35.02 – Incorporation of Cities; RCW 36.70A State Growth Management Act, the King County Comprehensive Plan, and other state, regional, and local statutory guidelines).
- The Board may make a **recommendation** to deny the proposed incorporation of the new City of Fairwood as proposed by the Fairwood Task Force if this action achieves the provisions of RCW 36.93 and other applicable regulations (e.g., RCW 35.02 – Incorporation of Cities; RCW 36.70A State Growth Management Act, the King County Comprehensive Plan, and other state, regional, and local statutory guidelines).
- The Board may make a **recommendation** to deny the proposed incorporation of the new City of Fairwood with modifications to corporate boundaries if this action achieves the provisions of RCW 36.93 and other applicable regulations (e.g., RCW 35.02 – Incorporation of Cities; RCW 36.70A State Growth Management Act, the King County Comprehensive Plan, and other state, regional, and local statutory guidelines).

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The record for File No. 2194 is detailed and extensive. The parties provided considerable materials supporting their positions. The Board has deliberated upon the complete record in order to come to a decision for the proposed incorporation of a new City of Fairwood.

The Board finds:

- The boundaries of the proposed new City of Fairwood shall be modified as follows:
  - Renton Park Version 1 shall be deleted from the boundaries of the proposed new City, pursuant to RCW 36.93.150; and
  - Maplewood Addition Area (Expansion, Option 2) be deleted from the boundaries of the proposed new City, pursuant to RCW 36.93.116 and RW 36.93.150; and
  - The Renton Christian Center property and Pierotti properties be included in the boundaries of the proposed new City, pursuant to RCW 36.93.150; and
  - The entirety of those portions of 128<sup>th</sup> Avenue SE that are immediately adjacent to the proposed incorporation area be included in the boundaries of the City of Fairwood, pursuant to RCW 36.93.150.
- Incorporation of a new City of Fairwood (with proposed boundaries or modified boundaries) is inconsistent with the provisions of RCW 36.93. For example, the proposed action is inconsistent with/fails to advance the factors established in RCW 36.93.170 with respect to territory, the natural environment, service needs and service capacity, and mutual social and economic needs.
- Incorporation of a new City of Fairwood (with proposed boundaries and/or with modified boundaries) is inconsistent with the provisions of RCW 36.93.180 as follows:

<b>CRITERION</b>	<b>ACHIEVEMENT WITH INCORPORATION AS MODIFIED BY BOUNDARY REVIEW BOARD</b>	<b>ACHIEVEMENT WITH INCORPORATION AS PROPOSED BY FAIRWOOD TASK FORCE</b>
OBJECTIVE 1 – PRESERVATION OF NATURAL NEIGHBORHOODS AND COMMUNITIES	INCONSISTENT WITH THIS OBJECTIVE	INCONSISTENT WITH THIS OBJECTIVE
OBJECTIVE 2 – USE OF PHYSICAL BOUNDARIES	INCONSISTENT WITH THIS OBJECTIVE	INCONSISTENT WITH THIS OBJECTIVE
OBJECTIVE 3 – CREATION OF LOGICAL SERVICE AREAS	INCONSISTENT WITH THIS OBJECTIVE	INCONSISTENT WITH THIS OBJECTIVE
OBJECTIVE 4 – PREVENTION OF ABNORMALLY IRREGULAR BOUNDARIES	INCONSISTENT WITH THIS OBJECTIVE	INCONSISTENT WITH THIS OBJECTIVE
OBJECTIVE 5 – DISCOURAGEMENT OF MULTIPLE INCORPORATIONS	INCONSISTENT WITH THIS OBJECTIVE	INCONSISTENT WITH THIS OBJECTIVE
OBJECTIVE 6 – DISSOLUTION OF INACTIVE SPECIAL PURPOSE DISTRICTS	DOES NOT APPLY	DOES NOT APPLY
OBJECTIVE 7 – ADJUSTMENT OF IMPRACTICAL BOUNDARIES	INCONSISTENT WITH THIS OBJECTIVE	INCONSISTENT WITH THIS OBJECTIVE
OBJECTIVE 8 – INCORPORATION/ANNEXATION OF AREAS URBAN IN CHARACTER	INCONSISTENT WITH THIS OBJECTIVE	INCONSISTENT WITH THIS OBJECTIVE
OBJECTIVE 9 – PROTECTION OF AGRICULTURAL & RURAL LANDS	DOES NOT APPLY	DOES NOT APPLY

- Incorporation of a new City of Fairwood (with proposed boundaries and/or with modified boundaries) is inconsistent with the relevant provisions of the Growth Management Act (RCW 36.70A).
- Incorporation of a new City of Fairwood (with proposed boundaries and/or with modified boundaries) is inconsistent with the relevant provisions of the King County Comprehensive Plan,
- Incorporation of a new City of Fairwood (with proposed boundaries and/or with modified boundaries) is inconsistent with the relevant provisions of the Renton Comprehensive Plan.

More specifically, the incorporation of a new City of Fairwood (with proposed boundaries and/or with modified boundaries) is inconsistent with the State Growth Management Act policies and King County Comprehensive Plan/Countywide Planning Policies that require logical and orderly growth – e.g., effective governance, efficient service provision. The fragile fiscal base available to the proposed new City of Fairwood would not permit the City to effectively or efficiently govern or serve the community.

#### IV. CONCLUSIONS

- The Boundary Review modifies the boundaries for the proposed Fairwood Incorporation as follows:
  - Renton Park Version 1 be deleted from the boundaries of the proposed new City pursuant to RCW 36.93.150; and
  - Maplewood Addition Area (Expansion, Option 2) be deleted from the boundaries of the proposed new City pursuant to RCW 36.93.116 and RCW 36.93.150; and
  - the Renton Christian Center property and Pierotti properties be included in the boundaries of the proposed new City pursuant to RCW 36.93.150; and
  - The entirety those portions of 128<sup>th</sup> Avenue SE that are immediately adjacent to the proposed incorporation area be included in the boundaries of the City of Fairwood pursuant to RCW 36.93.150.
- The Boundary Review Board recommends denial by the voters of the proposed incorporation of a City of Fairwood (File No. 2194) as modified because the creation of this new jurisdiction is inconsistent with the statutory mandate established in the Boundary Review Board Act (RCW 36.93), Growth Management Act (RCW 36.70A), King County Comprehensive Plan, City of Renton Comprehensive Plan, and other state and local guidelines for incorporation of urban areas.

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*Note: RCW 35.02 requires an election to permit the registered voters to determine whether they wish to incorporate as a new city.*

*If the Board makes a final decision to recommend against the incorporation, the citizens may, nonetheless, vote to incorporate the City with boundaries as modified by the Boundary Review Board.*

*The Fairwood Task Force may also decline to conduct an election. In such event, the area will remain in unincorporated King County.*

**NOW, THEREFORE,**

**BE IT RESOLVED BY THE WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY THAT,** for the above reasons, the action proposed in the Notice of Intention contained in said **File No. 2194** be, and the same is, hereby **recommended for denial with modifications** as described in Exhibits attached hereto and incorporated herein by reference.

**ADOPTED BY SAID WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY** by a vote of \_\_\_\_\_ in favor , \_\_\_\_\_ in opposition, and \_\_\_\_\_ abstentions, on this \_\_\_ day of June, 2006, and signed by me in authentication of its said adoption on said date.

**WASHINGTON STATE BOUNDARY REVIEW BOARD FOR KING COUNTY**

\_\_\_\_\_  
Charles Booth, Chair

**FILED** this \_\_\_\_\_ day of \_\_\_\_\_, 2006 **BY:**

\_\_\_\_\_  
Lenora Blauman, Executive Secretary

| **EXHIBITS** |

**EXHIBIT I      PROPOSED CITY OF FAIRWOOD: LEGAL DESCRIPTION OF MODIFIED INCORPORATION AREA BOUNDARIES**

**EXHIBIT II      PROPOSED CITY OF FAIRWOOD: MAP OF MODIFIED INCORPORATION AREA BOUNDARIES**